



Court File No.

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

SHAN XIA

Applicant

- and -

KINDSON INTERNATIONAL INC., XIA ZOU

Respondents

APPLICATION pursuant to the *Mortgages Act*, R.S.O. 1990, c. M.40, s. 12(8).

NOTICE OF APPLICATION

TO THE RESPONDENT

A LEGAL PROCEEDING HAS BEEN COMMENCED by the applicant. The claim made by the applicant appears on the following page.

THIS APPLICATION will come on for a hearing (*choose one of the following*)

- In writing
- In person
- By telephone conference
- By video conference

IF YOU WISH TO OPPOSE THIS APPLICATION, to receive notice of any step in the application or to be served with any documents in the application, you or an Ontario lawyer acting for you must forthwith prepare a notice of appearance in Form 38A prescribed by the *Rules of Civil Procedure*, serve it on the applicant's lawyer or, where the applicant does not have a lawyer, serve it on the applicant, and file it, with proof of service, in this court office, and you or your lawyer must appear at the hearing.

IF YOU WISH TO PRESENT AFFIDAVIT OR OTHER DOCUMENTARY EVIDENCE TO THE COURT OR TO EXAMINE OR CROSS-EXAMINE WITNESSES ON THE APPLICATION, you or your lawyer must, in addition to serving your notice of appearance, serve a copy of the evidence on the applicant's lawyer or, where the applicant does not have a

lawyer, serve it on the applicant, and file it, with proof of service, in the court office where the application is to be heard as soon as possible, but at least four days before the hearing.

IF YOU FAIL TO APPEAR AT THE HEARING, JUDGMENT MAY BE GIVEN IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO OPPOSE THIS APPLICATION BUT ARE UNABLE TO PAY LEGAL FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

Date _____ Issued by _____
Local Registrar
Address of 330 University Avenue
court office: Toronto ON M5G 1R7

TO: KINDSON INTERNATIONAL INC.
307-7050 Woodbine Ave
Markham, ON L3R 4G8

AND TO: XIA ZOU
307-7050 Woodbine Ave
Markham, ON L3R 4G8

APPLICATION

1. The applicant makes application for:
 - (a) An order for the discharge of the mortgage bearing instrument number AT5120330 at the City of Toronto land titles office;
 - (b) If necessary, an order validating or dispensing with service of this application and the application record;
 - (c) the costs of this proceeding plus all applicable taxes, if the application is contested; and
 - (d) such other relief as this Honourable Court may deem just..

2. The grounds for the application are:
 - (a) The applicant, Shan Xia is the owner of the property known municipally as 1601-16 Bonnycastle Street, Toronto, ON M5A 0C9 (the "Property");
 - (b) The Property was initially purchased in April, 2019, using a private loan provided by the respondents, which was secured by a mortgage bearing instrument number AT5120330 (the "Prior Mortgage");
 - (c) The solicitor acting for the respondents on the Prior Mortgage transaction was Isabella Dan;
 - (d) In or around April 23, 2020, the applicant refinanced the Property using a loan from RBC;

- (e) Funds advanced from RBC was used to fully payoff the Prior Mortgage and all due documentations were executed to direct Isabella Dan to discharge the Prior Mortgage;
- (f) For reasons unknown to the applicant, Isabella Dan failed to discharge the Prior Mortgage;
- (g) The applicant only discovered the failure by Isabella Dan to discharge the Prior Mortgage recently after selling the Property;
- (h) The Property's sale is unable to be completed at this time due to the applicant's inability to convey title free and clear of the Prior Mortgage;
- (i) The applicant is entitled to a mortgage discharge;
- (j) Isabella Dan has been missing since 2023 and police investigations suspect foul play and is therefore unable to complete the mortgage discharge;
- (k) The applicant does not have any direct contact with the respondent Xia Zou and no information about Xia Zou's whereabouts despites best efforts;
- (l) *Mortgages Act*, R.S.O. 1990, c. M.40, s. 12(8).
- (m) Such further and other grounds as the lawyers may advise.

3. The following documentary evidence will be used at the hearing of the application:

- (a) The affidavit of Shan Xia, to be affirmed; and
- (b) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

July 6, 2026

WHELTON HIUTIN LLP

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Lawyers for the applicant

SHAN XIA

Applicant

-and- KINDSON INTERNATIONAL INC. and others

Respondents

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ONTARIO
SUPERIOR COURT OF JUSTICE
PROCEEDING COMMENCED AT TORONTO

NOTICE OF APPLICATION

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